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Chapter 300

Zoning

[HISTORY: Adopted by the City Council of the City of Beverly as amended through December 2013 (Art. XXXVIII of the Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. **130**.

Historic buildings and districts — See Ch. **168**.

Sewers — See Ch. **227**.

Stormwater management — See Ch. **249**.

Wetlands protection — See Ch. **287**.

Planning Board regulations — See Ch. **315**; Ch. **350**; Ch. **375**.

Article I

Title, Purpose and Interpretation

No changes proposed in this section.

Article II

Definitions

§ 300-4 Interpretation of terms.

For the purposes of this chapter, words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular. The word "lot" shall include "plot" or "parcel." The word "structure" shall include the word "building," where the context requires. The word "used" shall include the words "arranged," "designed," "rented," "leased," "intended to be used" and "occupied." The word "shall" is mandatory; and the word "may" is permissive.

§ 300-5 Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

Only definitions with changes have been included herein:

ACCESSORY APARTMENT

~~A dwelling unit located within an owner-occupied single family dwelling with one or more rooms, including kitchen and bathroom facilities that are separate from those of the principal dwelling. The~~

~~unit shall be constructed so as to maintain the appearance and essential character of a single family dwelling. Only relatives, i.e., brothers, sisters, parents, grandparents, in-laws, children and/or grandchildren, of the residing owners of the principal dwelling unit may occupy the unit.~~

~~[Amended 6-26-1987; 7-5-2012 by Ord. No. 72]~~

...

BED-AND-BREAKFAST ESTABLISHMENT

~~A building which is used for t~~The renting of not more than five rooms as a lodging, without separate cooking facilities, and for not more than eight persons for a term ~~no longer than seven~~~~of residence of less than eight~~ days, and where guests are provided breakfast daily at no additional charge. These establishments shall be residential in both character and appearance, and off-street parking areas shall be screened from abutting residential uses in a manner defined by the definition of "screening" in this section. The owner of a bed-and-breakfast establishment shall be required to reside either ~~in~~ ~~on the premises of~~ the establishment or on an abutting parcel.

[Amended 3-19-1991, 6-18-1991, 5-13-1996, 12-15-2023 by Ord. No. 184A]

...

DWELLING

A building used only for permanent habitation by one or more families. The term shall not include a~~n~~ hotel, motel, ~~bed-and-breakfast, lodging and/or~~ rooming house, hospital, or other accommodation used for transient lodging. [Amended 12-15-2023 by Ord. No. 184A]

- A. **DWELLING UNIT** One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single family, with permanent provisions for living, sleeping, eating, cooking and sanitation. The term shall not include a~~n~~ hotel, motel, bed-and-breakfast, ~~lodging and/or~~ rooming house, hospital, or other accommodation used for transient lodging. [Amended 3-14-2000 by Ord. No. 43, 12-15-2023 by Ord. No. 184A]
- B. **DWELLING, ONE-FAMILY OR SINGLE-FAMILY** A detached dwelling, other than a stationary trailer or mobile home, containing only one dwelling unit.
- C. **DWELLING, TWO-FAMILY** Two attached dwelling units in one building.
- D. **DWELLING, SEMI-DETACHED** A one-family dwelling attached by no more than one common wall to another one-family dwelling; and each dwelling may be on a separate lot.
- E. **DWELLING, MULTIFAMILY** A dwelling containing three or more dwelling units.
- F. **DWELLING, MULTIPLE GROUP** A group of two or more multifamily dwellings occupying a parcel of land in one or common ownership and having common open space.
- G. ACCESSORY DWELLING UNIT A self-contained dwelling unit providing complete living facilities for the use of one or more individuals constituting a single family, with permanent provisions for living, sleeping, eating, cooking, and sanitation, located in or attached to an existing one family/single-family dwelling or in a separate building on the same lot, where at least one of the units is owner-occupied. [Amended 12-15-2023 by Ord. No. 184A]

H. ACCESSORY DWELLING UNIT (ATTACHED) An accessory dwelling unit located within the existing principal building or attached by new construction to a principal building containing a one-family/single-family dwelling, where at least one of the units is owner-occupied. The exterior of the one-family/single-family dwelling may be modified to accommodate the unit. [Amended 12-15-2023 by Ord. No. 184A]

I. ACCESSORY DWELLING UNIT (DETACHED) An accessory dwelling unit located in a building on a lot that is separate from a principal building containing a one-family/single-family dwelling and is smaller than the principal one-family/single-family building, where at least one of the units is owner-occupied. [Amended 12-15-2023 by Ord. No. 184A]

...

TRANSIENT LODGING *[insert alphabetically]*

The use of any lot or portion thereof or building or accessory building or any portion thereof or room therein for temporary sleeping accommodations, occupancy, and/or stays for a period of fewer than thirty (30) consecutive days for a fee. [Amended 12-15-2023 by Ord. No. 184A]

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Article III
Zoning Districts

No changes proposed in this section.

Article IV
Zoning Map

No changes proposed in this section.

Article V
General Provisions

No changes proposed in this section.

Article VI
Common Permitted Uses

[Amended 12-29-2005 by Ord. No. 206]

§ 300-26 **Exempt uses.**

Government uses and buildings under the jurisdiction of the City of Beverly are allowed in all districts. Additionally, those uses exempted from the provisions of this chapter in accordance with MGL c. 40A, § 3, are allowed in all zoning districts, subject to the provisions and requirements of that section of state law. Utility company terminal enclosures, service cabinets, and underground vaults are allowed in all districts, provided they are screened. (See § 300-5 for definition of "screening.")

§ 300-27 Accessory buildings in residential districts.

[Amended 8-27-1996 by Ord. No. 169; 12-29-2005 by Ord. No. 206]

- A. The term "accessory building" is defined in § 300-5 of this chapter. It does not include attached garages.
- B. Location.
 - (1) Accessory buildings, including detached garages, pool houses, barns, greenhouses, and tool sheds, shall be permitted anywhere in the side or rear yard of any lot in a residential zoning district if they:
 - (a) Conform to the required rear yard and side yard requirements;
 - (b) Occupy 25% or less of the area of such yard(s); and
 - (c) Are no taller than 15 feet in height or a height equal to 1/2 the distance to the nearest lot line, to a maximum of 22 feet.
 - (2) No accessory building may be constructed within the front yard of a lot.
 - (3) Accessory buildings located within the minimum setback requirements applicable to the main building are subject to the dimensional requirements outlined below and may occupy no more than 25% of the side yard or rear yard area.
- C. The maximum number of accessory buildings permitted on a lot is [three, if one is an accessory dwelling unit and two if no accessory dwelling unit is on the lot.](#) ~~two~~. The Zoning Board of Appeals may authorize additional accessory buildings, by special permit, [except that such relief shall not be available for purposes of creating an accessory dwelling unit or to add an additional accessory building in addition to an accessory dwelling unit.](#) [\[Amended 12-15-2023 by Ord. No. 184A\]](#)
- D. In addition to the setback requirements outlined below, an accessory building shall be sited at least five feet from the main building on the lot.
- E. Dimensional requirements for accessory buildings.
 - (1) Minimum front yard setback: same as for main building.
 - (2) Minimum side yard and/or rear yard setback: five feet if less than 10 feet in height; otherwise, setbacks applicable to the main building apply.
 - (3) Maximum height: 10 feet if located within the required side yard or rear yard setback; otherwise, the maximum height is 15 feet, or a height equal to 1/2 the distance to the nearest lot line, to a maximum of 22 feet.
 - (4) Maximum size: 100 square feet if located within the required side yard or rear yard setback; otherwise, maximum size is 25% of the yard's area.
- F. [Special provisions for Accessory Dwelling Units. Provisions and regulations for accessory dwelling units are set forth in §300-55. Accessory Dwelling Units. \[Amended 12-15-2023 by Ord. No. 184A\]](#)
- FG. The Zoning Board of Appeals shall have the authority under MGL c. 40A, § 6, to permit relief from

the maximum height and size requirements of this section.

§ 300-28 Accessory buildings and uses in other districts.

Accessory buildings and uses required for and clearly incidental to the main building or use in all nonresidential zoning districts are permitted. Such accessory buildings shall be permitted anywhere in the side yard or rear yard of any lot in a nonresidential zoning district if they conform to the required rear yard and side yard setback requirements and height restrictions applicable to the main building. No accessory building may be constructed within the front yard of a lot.

§ 300-29 Swimming pools and tennis courts.

No changes proposed in this sub-section.

**Article VII
District Regulations**

[Add the following subsections in Article VII as noted:]

§ 300-30 R-90 One-Family District.

B(7) Accessory Dwelling Unit pursuant to Section 300-55, provided the property in question (a) does not have at, in, or on such property, any type of nonconforming situation, noncomplying situation, or nonconforming structure, 10 years or older, each as defined by section 300-73 of this zoning ordinance, (b) is not the subject of an existing finding, special permit, or variance, or (c) does not require a variance or other zoning relief in order to construct or create the accessory dwelling unit. [Amended 12-15-2023 by Ord. No. 184A]

C(1)(m) Accessory Dwelling Unit pursuant to Section 300-55, if the property in question (i) involves a nonconforming situation as defined by section 300-73 of this ordinance, (ii) is the subject of an existing finding, special permit, or variance, or (iii) requires a variance, relief under Section 300-76, or other zoning relief. Applicants for a special permit for accessory dwelling unit use shall also comply with the requirements of all other provisions of this zoning ordinance. Noncomplying structures and nonconforming structures, 10 years or older, as defined in Section 300-73 of this ordinance, shall not be eligible for a special permit for accessory dwelling unit use. [Amended 12-15-2023 by Ord. No. 184A]

§ 300-31 R-45 One-Family District.

B(7) Accessory Dwelling Unit pursuant to Section 300-55, provided the property in question (a) does not have at, in, or on such property, any type of nonconforming situation, noncomplying situation, or nonconforming structure, 10 years or older, each as defined by section 300-73 of this zoning ordinance, (b) is not the subject of an existing finding, special permit, or variance, or (c) does not require a variance or other zoning relief in order to construct or create the accessory dwelling unit. [Amended 12-15-2023 by Ord. No. 184A]

C(1)(m) Accessory Dwelling Unit pursuant to Section 300-55, if the property in question (i) involves a nonconforming situation as defined by section 300-73 of this ordinance, (ii) is the subject of an existing finding, special permit, or variance, or (iii) requires a variance, relief under Section 300-76, or other zoning relief. Applicants for a special permit for accessory dwelling unit use shall also comply with the

requirements of all other provisions of this zoning ordinance. Noncomplying structures and nonconforming structures, 10 years or older, as defined in Section 300-73 of this ordinance, shall not be eligible for a special permit for accessory dwelling unit use. [Amended 12-15-2023 by Ord. No. 184A]

§ 300-32 R-22 One-Family District.

B(7) Accessory Dwelling Unit pursuant to Section 300-55, provided the property in question (a) does not have at, in, or on such property, any type of nonconforming situation, noncomplying situation, or nonconforming structure, 10 years or older, each as defined by section 300-73 of this zoning ordinance, (b) is not the subject of an existing finding, special permit, or variance, or (c) does not require a variance or other zoning relief in order to construct or create the accessory dwelling unit. [Amended 12-15-2023 by Ord. No. 184A]

C(1)(k) Accessory Dwelling Unit pursuant to Section 300-55, if the property in question (i) involves a nonconforming situation as defined by section 300-73 of this ordinance, ii) is the subject of an existing finding, special permit, or variance, or (iii) requires a variance, relief under Section 300-76, or other zoning relief. Applicants for a special permit for accessory dwelling unit use shall also comply with the requirements of all other provisions of this zoning ordinance. Noncomplying structures and nonconforming structures, 10 years or older, as defined in Section 300-73 of this ordinance, shall not be eligible for a special permit for accessory dwelling unit use. [Amended 12-15-2023 by Ord. No. 184A]

§ 300-33 R-15 One-Family District.

B(7) Accessory Dwelling Unit pursuant to Section 300-55, provided the property in question (a) does not have at, in, or on such property, any type of nonconforming situation, noncomplying situation, or nonconforming structure, 10 years or older, each as defined by section 300-73 of this zoning ordinance, (b) is not the subject of an existing finding, special permit, or variance, or (c) does not require a variance or other zoning relief in order to construct or create the accessory dwelling unit. [Amended 12-15-2023 by Ord. No. 184A]

C(1)(j) Accessory Dwelling Unit pursuant to Section 300-55, if the property in question (i) involves a nonconforming situation as defined by section 300-73 of this ordinance, ii) is the subject of an existing finding, special permit, or variance, or (iii) requires a variance, relief under Section 300-76, or other zoning relief. Applicants for a special permit for accessory dwelling unit use shall also comply with the requirements of all other provisions of this zoning ordinance. Noncomplying structures and nonconforming structures, 10 years or older, as defined in Section 300-73 of this ordinance, shall not be eligible for a special permit for accessory dwelling unit use. [Amended 12-15-2023 by Ord. No. 184A]

§ 300-34 R-10 One-Family District.

B(7) Accessory Dwelling Unit pursuant to Section 300-55, provided the property in question (a) does not have at, in, or on such property, any type of nonconforming situation, noncomplying situation, or nonconforming structure, 10 years or older, each as defined by section 300-73 of this zoning ordinance, (b) is not the subject of an existing finding, special permit, or variance, or (c) does not require a variance or other zoning relief in order to construct or create the accessory dwelling unit. [Amended 12-15-2023 by Ord. No. 184A]

C(1)(j) Accessory Dwelling Unit pursuant to Section 300-55, if the property in question (i) involves a nonconforming situation as defined by section 300-73 of this ordinance, ii) is the subject of an existing

finding, special permit, or variance, or (iii) requires a variance, relief under Section 300-76, or other zoning relief. Applicants for a special permit for accessory dwelling unit use shall also comply with the requirements of all other provisions of this zoning ordinance. Noncomplying structures and nonconforming structures, 10 years or older, as defined in Section 300-73 of this ordinance, shall not be eligible for a special permit for accessory dwelling unit use. [Amended 12-15-2023 by Ord. No. 184A]

§ 300-35 R-6 One-Family and Two-Family District.

B(8) Accessory Dwelling Unit pursuant to Section 300-55, provided the property in question (a) does not have at, in, or on such property, any type of nonconforming situation, noncomplying situation, or nonconforming structure, 10 years or older, each as defined by section 300-73 of this zoning ordinance, (b) is not the subject of an existing finding, special permit, or variance, or (c) does not require a variance or other zoning relief in order to construct or create the accessory dwelling unit. [Amended 12-15-2023 by Ord. No. 184A]

C(1)(j) Accessory Dwelling Unit pursuant to Section 300-55, if the property in question (i) involves a nonconforming situation as defined by section 300-73 of this ordinance, ii) is the subject of an existing finding, special permit, or variance, or (iii) requires a variance, relief under Section 300-76, or other zoning relief. Applicants for a special permit for accessory dwelling unit use shall also comply with the requirements of all other provisions of this zoning ordinance. Noncomplying structures and nonconforming structures, 10 years or older, as defined in Section 300-73 of this ordinance, shall not be eligible for a special permit for accessory dwelling unit use. [Amended 12-15-2023 by Ord. No. 184A]

§ 300-36 RMD Multifamily District.

- A. General description. The RMD Multifamily District is established to provide for multifamily residences at medium density. Related recreational, agricultural, and educational facilities are allowed under special conditions.
- B. Uses by right. Property and buildings shall be used only for the following purposes:
- (1) Detached one-family dwelling.
 - (2) Semidetached dwelling and two-family dwelling.
 - (3) Multifamily dwelling ~~or apartment house~~, subject to the requirements of Subsection **H** below. [Amended 12-15-2023 by Ord. No. 184A]
 - (4) Historic site including historic dwellings, or museum not operated for profit.
 - (5) Subsidized elderly housing.
 - (6) Sanitary landfill facilities, provided that the same are operated by the municipality or pursuant to a municipal lease or license.
 - (7) Home occupation as defined herein.
 - (8) Agricultural, horticultural, and floricultural (as defined in MGL Chapter 61A) uses and expansion or reconstruction of existing structures relating thereto, permitted with a minimum lot size of five acres.

[Amended 1-2-1996 by Ord. No. 57]

(9) Those uses, including accessory buildings, allowed by right under Article VI.

(10) Accessory Dwelling Unit pursuant to Section 300-55, provided the property in question (a) does not have at, in, or on such property, any type of nonconforming situation, noncomplying situation, or nonconforming structure, 10 years or older, each as defined by section 300-73 of this zoning ordinance, (b) is not the subject of an existing finding, special permit, or variance, or (c) does not require a variance or other zoning relief in order to construct or create the accessory dwelling unit. [Amended 12-15-2023 by Ord. No. 184A]

C. Uses by special permit.

(1) The following uses are only allowed by special permit granted by the Board of Appeals:

(a) Planned residential development, subject to the provisions of § 300-53.

(b) Commercial marina for the sale, mooring, and rental of boats.

(c) Essential public services such as transformer stations, substations, pumping stations, automatic telephone exchanges, not including outdoor vehicle or equipment storage.

(d) Bed-and-breakfast establishments. [Amended 3-19-1991]

(e) Those uses, including accessory uses, allowed by special permit under Article VI.

(f) Pork-chop lots on streets in existence prior to December 1984, subject to the provisions of § 300-18 above.

(g) Horticultural and floricultural (as defined by MGL Chapter 61A) uses on lots with at least one acre but fewer than five acres. [Amended 1-2-1996 by Ord. No. 57]

(h) Commercial mobile radio service transmission facilities, structures, and/or towers. [Amended 6-11-1996 by Ord. No. 115]

(i)

Accessory Dwelling Unit pursuant to Section 300-55, if the property in question (i) involves a nonconforming situation as defined by section 300-73 of this ordinance, ii) is the subject of an existing finding, special permit, or variance, or (iii) requires a variance, relief under Section 300-76, or other zoning relief. Applicants for a special permit for accessory dwelling unit use shall also comply with the requirements of all other provisions of this zoning ordinance. Noncomplying structures and nonconforming structures, 10 years or older, as defined in Section 300-73 of this ordinance, shall not be eligible for a special permit for accessory dwelling unit use. [Amended 12-15-2023 by Ord. No. 184A]

(2) The following uses are only allowed by special permit granted by the Planning Board: [Added 4-19-2016 by Ord. No. 014]

(a) Artist live/work, subject to the provisions of Article XVI.

- (b) Large-scale ground-mounted solar energy system, subject to the provisions of § 300-35. [Added 6-18-2018 by Ord. No. 067B]
- D. Building and area requirements.

No changes proposed in remaining sub-sections.

§ 300-37 **RHD Multifamily District.**

- A. General description. The RHD Multifamily District is established to provide principally for multifamily residences at high density. Related recreational, agricultural, and educational facilities, as well as elderly housing, rooming and boarding houses, and health clubs, are allowed under special conditions.
- B. Uses by right. Property and buildings shall be used only for the following purposes:
 - (1) Detached one-family dwelling.
 - (2) Semidetached dwelling and two-family dwelling.
 - (3) Multifamily dwelling ~~or apartment house~~, subject to the requirements of Subsection **H** below. [\[Amended 12-15-2023 by Ord. No. 184A\]](#)
 - (4) Historic site including historic dwellings, or museum not operated for profit.
 - (5) Subsidized elderly housing.
 - (6) Sanitary landfill facilities, provided that the same are operated by the municipality or pursuant to a municipal lease or license.
 - (7) Home occupation as defined herein.
 - (8) Agricultural, horticultural, and floricultural (as defined in MGL Chapter 61A) uses and expansion or reconstruction of existing structures relating thereto, permitted with a minimum lot size of five acres. **[Amended 1-2-1996 by Ord. No. 57]**
 - (9) Those uses, including accessory buildings, allowed by right under Article **VI**.
- C. Uses by special permit.
 - (1) The following uses are only allowed by special permit granted by the Board of Appeals:
 - (a) ~~Rooming, lodging, or boarding~~ house. [\[Amended 12-15-2023 by Ord. No. 184A\]](#)
 - (b) Gymnasium, health club, commercial swimming pool.
 - (c) Private or quasi-public club, charitable institution, or community service organization, except where the chief activity is a service customarily carried on as a business.
 - (d) Commercial marina for the sale, mooring, and rental of boats.
 - (e) Essential public services such as transformer stations, substations, pumping stations, automatic telephone exchanges, not including outdoor vehicle or equipment storage.

- (f) Bed-and-breakfast establishments. **[Amended 3-19-1991]**
- (g) Pork-chop lots on streets in existence prior to December 1984, subject to the provisions of § **300-18** above.
- (h) Parking lot for commercial use in adjoining commercial district.
- (i) Those uses, including accessory uses, allowed by special permit under Article **VI**.
- (j) Horticultural and floricultural (as defined by MGL Chapter 61A) uses on lots with at least one acre but fewer than five acres. **[Amended 1-2-1996 by Ord. No. 57]**
- (k) Commercial mobile radio service transmission facilities, structures, and/or towers. **[Amended 6-11-1996 by Ord. No. 115]**
- (l) Accessory Dwelling Unit pursuant to Section 300-55, if the property in question (i) involves a nonconforming situation as defined by section 300-73 of this ordinance, ii) is the subject of an existing finding, special permit, or variance, or (iii) requires a variance, relief under Section 300-76, or other zoning relief. Applicants for a special permit for accessory dwelling unit use shall also comply with the requirements of all other provisions of this zoning ordinance. Noncomplying structures and nonconforming structures, 10 years or older, as defined in Section 300-73 of this ordinance, shall not be eligible for a special permit for accessory dwelling unit use. **[Amended 12-15-2023 by Ord. No. 184A]**
- (2) The following uses are only allowed by special permit granted by the Planning Board: **[Added 4-19-2016 by Ord. No. 014]**
 - (a) Artist live/work, subject to the provisions of Article **XVI**.
 - (b) Large-scale ground-mounted solar energy system, subject to the provisions of § **300-35**. **[Added 6-18-2018 by Ord. No. 067B]**

D. Building and area requirements.

No changes proposed in remaining sub-sections.

§ 300-38 RSD Special Residential District.

- A. General description. The RSD Special Residential District is established to provide principally for special residential development at high density, as well as one-family, two-family, and multifamily residences at high density. Related recreational, agricultural, and educational facilities, as well as elderly housing, health, golf, and tennis clubs, are allowed under special conditions.
- B. Uses by right. Property and buildings shall be used only for the following purposes: **[Amended 1-2-1996 by Ord. No. 57; 2-16-2016 by Ord. No. 013]**
 - (1) Detached one-family dwelling.
 - (2) Semidetached dwelling and two-family dwelling.
 - (3) (Reserved)

- (4) Subsidized elderly housing.
 - (5) Gymnasium, health club, commercial swimming pool, subject to the provisions of Subsection **G(2)** below.
 - (6) Golf club, beach club, tennis club, subject to the provisions of Subsection **G(2)** below.
 - (7) Historic site including historic dwellings, or museum not operated for profit.
 - (8) Sanitary landfill facilities, provided that the same are operated by the municipality or pursuant to a municipal lease or license.
 - (9) Home occupation as defined herein.
 - (10) Retail establishment serving local area needs, including, but not limited to, drug, grocery and baked goods store with up to 5,000 square feet of floor area per establishment, subject to the provisions of Subsection **G(2)** below.
 - (11) Personal and consumer service establishments, including, but not limited to, barber or beauty shop and laundromat, subject to the provisions of Subsection **G(2)** below.
 - (12) Restaurant selling food for consumption entirely on the premises, subject to the provisions of Subsection **G(2)** below.
 - (13) Agricultural, horticultural, and floricultural (as defined in MGL Chapter 61A) uses and expansion or reconstruction of existing structures relating thereto, permitted with a minimum lot size of five acres.
 - (14) Those uses, including accessory buildings, allowed by right under Article **VI**.
- C. Uses by special permit. [**Amended 3-19-1991; 1-2-1996 by Ord. No. 57; 6-11-1996 by Ord. No. 115; 2-16-2016 by Ord. No. 013**]
- (1) The following uses are only allowed by special permit granted by the Board of Appeals:
 - (a) Planned residential development, subject to the provisions of § **300-53** below.
 - (b) Private or quasi-public club, charitable institution, or community service organization, except where the chief activity is a service customarily carried on as a business.
 - (c) Commercial marina for the sale, mooring, and rental of boats.
 - (d) Private, noncommercial stable.
 - (e) Essential public services such as transformer stations, substations, pumping stations, automatic telephone exchanges, not including outdoor vehicle or equipment storage.
 - (f) Pork-chop lots on streets in existence prior to December 1984, subject to the provisions of § **300-18** above.
 - (g) Bed-and-breakfast establishments.
 - (h) Those uses, including accessory uses, allowed by special permit under Article **VI**.

- (i) Horticultural and floricultural (as defined by MGL Chapter 61A) uses on lots with at least one acre but fewer than five acres.
- (j) Commercial mobile radio service transmission facilities, structures, and/or towers.
- (k) Multifamily dwelling ~~or apartment house~~, subject to the requirements of Subsection H below. **[Added 3-20-2017 by Ord. No. 211A, 12-15-2023 by Ord. No. 184A]**

(l) Accessory Dwelling Unit pursuant to Section 300-55, if the property in question (i) involves a nonconforming situation as defined by section 300-73 of this ordinance, ii) is the subject of an existing finding, special permit, or variance, or (iii) requires a variance, relief under Section 300-76, or other zoning relief. Applicants for a special permit for accessory dwelling unit use shall also comply with the requirements of all other provisions of this zoning ordinance. Noncomplying structures and nonconforming structures, 10 years or older, as defined in Section 300-73 of this ordinance, shall not be eligible for a special permit for accessory dwelling unit use. **[Amended 12-15-2023 by Ord. No. 184A]**

- (2) The following uses are only allowed by special permit granted by the Planning Board: **[Added 6-18-2018 by Ord. No. 067B]**
 - (a) Large-scale ground-mounted solar energy system, subject to the provisions of § 300-35.

D. Building and area requirements.

No changes proposed in remaining sub-sections.

§ 300-39 CN Neighborhood Commercial District.

No changes proposed in this sub-section.

**§ 300-40 CC Central Business District.
[Amended 6-11-2007 by Ord. No. 35]**

- A. General description. The CC Central Business District is established to provide principally for a central commercial business district.
- B. Uses by right. Property and buildings shall be used only for the following purposes:
 - (1) Detached one-family dwelling.
 - (2) Semidetached and two-family dwelling.
 - (3) Mixed-use building containing both commercial and residential (multifamily dwelling) uses, provided: **[Amended 6-26-1987; 7-31-2017 by Ord. No. 374A]**
 - (a) In the Core Pedestrian Area (as defined in § 300-5), 100% of the ground floor facing the primary street shall be occupied by an activated ground floor use (as defined in § 300-5) and the use(s) shall meet the activated ground floor design standards in § 300-40I. If a specific use is listed separately under § 300-40C, the special permit still applies.
 - (b) Outside the Core Pedestrian Area (as defined in § 300-5), the ground floor facing the primary street

shall be designed to accommodate an activated ground floor use (as defined in § **300-5**) and to meet the activated ground floor design standards in § **300-40I** in anticipation of future market demand for nonresidential uses. However, while activated ground floor uses are encouraged, residential uses, including residential units, and any other use permitted by right, may be located on the ground floor. If a specific use is listed separately under § **300-40C**, the special permit still applies.

- (4) Subsidized elderly housing, subject to the provisions of Subsection **D** below.
- (5) Historic site including historic dwellings, or museum not operated for profit.
- (6) Sanitary landfill facilities, provided that the same are operated by the municipality, or pursuant to a municipal lease or license.
- (7) Home occupation as defined herein.
- (8) Retail establishments.
- (9) Personal and consumer service establishments, including, but not limited to, barber or beauty shop and laundromat.
- (10) Business and professional offices; banks.
- (11) Funeral home.
- (12) Restaurant selling food for consumption entirely on the premises.
- (13) Agriculture, horticultural, and floricultural uses and expansion or reconstruction of existing structures relating thereto, with a minimum lot size of 5,000 square feet. [**Amended 6-26-1987**]
- (14) Administrative offices, data processing centers, and laboratory for scientific and industrial research, including testing and product development. [**Amended 6-26-1987**]
- (15) Printing and publishing establishment, including photostatic copying.
- (16) Taxi, rail, bus passenger terminal.
- (17) Accessory buildings and uses required for and clearly incidental to the principal building or use are permitted.
- (18) Those uses allowed by right under Article **VI**.
- (19) Artist live/work, subject to the provisions of Article **XVI**. [**Added 4-19-2016 by Ord. No. 014**]
- (20) Brewery, distillery, winery (pursuant to standards in § **300-3**, Definitions and § **300-98B**, Site plan review). [**Added 4-19-2016 by Ord. No. 014; amended 7-23-2019 by Order No. 393**]

C. Uses by special permit.

- (1) The following uses are only allowed by special permit granted by the Planning Board:
 - (a) Multifamily dwelling, ~~apartment house~~, or mixed-use building that does not meet the standards specified in § **300-40B(3)**; subject to Subsection **H**, Special requirements for multiple dwellings, if

applicable. [Amended 6-26-1987; 7-31-2017 by Ord. No. 374A, [12-15-2023 by Ord. No. 184A](#)]

- (b) Rooming, lodging, or boarding house.
- (c) Gymnasium, health club, commercial swimming pool.
- (d) Other private or quasi-public club, charitable institution, or community service organization, except where the chief activity is a service customarily carried on as a business.
- (e) Commercial marina for the sale, mooring, and rental of boats.
- (f) Private, noncommercial stable.
- (g) Hotel or motel.
- (h) Place of commercial recreation such as a theater, bowling alley, roller skating rink or ice skating rink where the use is conducted entirely indoors. For purposes of this subsection, the term "commercial indoor recreation" does not include those uses regulated by MGL c. 140, § 183A. [Amended 5-20-1993]
- (i) Essential public services such as transformer stations, substations, pumping stations, automatic telephone exchanges, not including outdoor vehicle or equipment storage.
- (j) Parking lots or garages as a principal use of the lot.
- (k) Those uses, including accessory uses, allowed by special permit under Article VI.
- (l) Commercial mobile radio service transmission facilities, structures, and/or towers. [Amended 6-11-1996 by Ord. No. 115]
- (m) Maker space. [Added 4-19-2016 by Ord. No. 014]
- (n) Large-scale ground-mounted solar energy system, subject to the provisions of § 300-35. [Added 6-18-2018 by Ord. No. 067B]
- (2) The following uses are only allowed by special permit granted by the Board of Appeals:
 - (a) Bed-and-breakfast establishments. [Amended 3-19-1991]
 - (b) Marijuana retailers, subject to provisions of § 300-122. [Added 1-7-2019 by Ord. No. 213A]
 - (c) Medical marijuana treatment center or registered marijuana dispensary (RMD), subject to provisions of § 300-122. [Added 1-7-2019 by Ord. No. 213A]
- D. Building and area requirements.

No changes proposed in remaining sub-sections.

§ 300-41 CG General Commercial District.

No changes proposed in this sub-section.

**§ 300-42 IR and IR Overlay Restricted Industrial, Research and Office District.
[Amended 2-19-2009 by Ord. No. 230]**

No changes proposed in this sub-section.

§ 300-43 IG General Industrial District.

No changes proposed in this sub-section.

§ 300-44 HD Hospital District.

No changes proposed in this sub-section.

§ 300-45 BHD Beverly Harbor District.

[Amended 6-26-1987; 3-19-1991; 7-1-1992; 5-20-1993; 6-11-1996 by Ord. No. 115; 6-1-2015 by Ord. No. 314]

No changes proposed in this sub-section.

**§ 300-46 WDR Waterfront Development Residential District.
[Amended 12-27-2006 by Ord. No. 109]**

- A. General description. This district is established to provide principally for mixed-use development, residential development and public access along the waterfront.
- B. Uses by right. Property and building shall be used only for the following purposes:
 - (1) Multifamily dwelling ~~or apartment house~~, subject to the requirements of Subsection **H** below. [\[Amended 12-15-2023 by Ord. No. 184A\]](#)
 - (2) Home occupation as defined herein, subject to the provisions of Subsection **G** below.
 - (3) Agricultural, horticultural, and floricultural uses and expansion or reconstruction of existing structures relating thereto, permitted with a minimum lot size of 5,000 square feet, and subject to the provisions of Subsection **G** below.
 - (4) Commercial fishing, excluding the processing of fish, except as provided by Subsection **B(7)** below. (Processing, meaning canning, cooking, or freezing but not preparation of bait.), subject to the provisions of Subsection **G** below.
 - (5) Commercial marina for the sale, mooring, and rental of boats, subject to the provisions of Subsection **G** below.
 - (6) Restaurant selling food for consumption entirely on the premises, subject to the provisions of

Subsection **G** below.

(7) Accessory buildings and uses required for and clearly incidental to the principal building or use are permitted.

(8) Any use allowed by right under Article **VI**.

C. Uses by special permit.

No changes proposed in remaining sub-sections.

**§ 300-47 MOSR Municipal Open Space and Recreation District.
[Amended 6-28-1999 by Ord. No. 109]**

No changes proposed in this sub-section.

**Article VIII
Overlay Districts**

No changes proposed in this section.

**Article IX
Special Density and Dimensional Regulations**

§ 300-53 Planned Residential Development (PRD).

No changes proposed in this sub-section.

§ 300-54 Open space residential design (OSRD) site plans.

No changes proposed in this sub-section.

§ 300-55 Accessory Dwelling Unitsapartments.

[Amended 12-15-2023 by Ord. No. 184A]

A. Intent and objectives. The ~~A~~accessory Dwelling Unit ~~apartment~~ requirements and procedures outlined in this section are intended, among other things, to meet the changing needs of owner-occupied households and to create and make available small, individual rental units and not intended to encourage the public to acquire variances to allow for the construction of larger dwellings for the use of accessory apartments. Instead, they are intended to:

~~Enable homeowners of single-family dwellings larger than required for their present needs to share space and burdens of home ownership with a relative(s).~~

- (1) Create feasible housing alternatives for elderly people who wish to remain in their homes ~~other relatives looking to stay in their homes, yet receive the help they need for or from other relatives.~~
- (2) Encourage a diverse population of residents in the City of Beverly by providing additional affordable housing options.

~~(2)(3)~~ Enable homeowners of single-family dwellings to generate rental income while still occupying the property. with a particular focus on senior citizens and young adults through the creation of an accessory apartment in the familial home.

B. Conditions and requirements. Notwithstanding provisions in this chapter to the contrary, an accessory dwelling unit in any residential zone is subject to the following provisions:

- (1) Owner-Occupancy. At least one owner of record or individual with a beneficial interest in the property shall reside in one of the two dwelling units.
- (2) Dwelling unit maximum. There shall be no more than one accessory dwelling unit on a property.
- (3) Sanitary and Building Codes. All accessory dwelling units must meet the minimum requirements for the state's sanitary and building codes, in addition to any other corresponding municipal codes.
- (4) All dwelling units on a property must have all applicable utility services (including electricity, water, oil and gas) active if an accessory dwelling unit is present.
- (5) Design. The accessory dwelling unit shall be designed so that the appearance, architectural style, and scale of the building is compatible and complementary with the principal building.
- (6) Dimensional Regulations for Accessory Dwelling Units. All accessory dwelling units are subject to the following dimensional regulations.
 - (a) Square footage. Accessory dwelling units shall be no greater than 1,000 square feet in total gross floor area or 50% of the principal building's gross floor area, whichever is smaller.
 - (b) Setbacks. Accessory dwelling units shall conform to the required rear yard and side yard requirements of the existing zoning district.
 - (c) Special provisions for Accessory Dwelling Unit (Attached)
 1. Front entrance. The principal dwelling unit shall have only one front entrance; any new entrance shall be located on the side or in the rear of the building, to the extent feasible. Where two or more entrances already exist on the front facade of a dwelling and where modifications are made to any of the entrances, it shall result in one entrance appearing to be the principal entrance and other entrances appearing to be secondary.
 2. Stairways. All stairways leading to second or third stories shall be enclosed within the exterior walls of the dwelling.
 - (d) Special provisions for Accessory Dwelling Unit (Detached)
 1. Height Regulations. The accessory dwelling unit (detached) shall not be taller than the principal dwelling, and shall not exceed 35 feet in height.
 2. Building Location. All accessory dwelling units (detached) shall clearly be secondary to the principal building and shall be located behind the front building edge of the principal building. Accessory dwelling units are not permitted in front yards.

3. All accessory dwelling units (detached) shall be complementary to the building form and architectural style of the principal building.

~~(7) Use of an aAccessory dDwelling uUnit for transient lodging is strictly prohibited.~~

(8) Lighting. All exterior lighting shall be designed and installed so as to be shielded and downcast so as to avoid light trespass onto adjacent properties.

(9) Parking Regulations for Accessory Dwelling Units

(a) A minimum of one off-street parking space shall be provided and reserved for the accessory dwelling unit. This space shall be distinct from other off-street parking spaces on the property and reserved for use by the accessory dwelling unit.

(10) Property and deed. The principal dwelling and the Accessory Dwelling Unit shall remain in common or single ownership and shall not be severed in ownership. The accessory dwelling unit shall not be sold separately from the principal building.

~~B.—Conditions and requirements. Notwithstanding provisions in this chapter to the contrary, the Zoning Board of Appeals may consider the granting of a special permit for the alteration of an existing single-family residence to include an accessory apartment in any residential zone, subject to the following provisions: [Amended 7-5-2012 by Ord. No. 72]~~

~~(1) An accessory apartment may be permitted to accommodate a maximum of two people to live in proximity to, but with independence from, a relative.~~

~~(2) The application shall designate the individual(s) who is to occupy the accessory apartment.~~

~~(3) The alterations/additions necessary to create the accessory apartment shall be limited to the principal dwelling.~~

~~(4) There shall be no more than two dwelling units on said property, including an accessory apartment.~~

~~(5) The owner of record shall reside in one of the two dwelling units, which shall be said owner's principal residence.~~

~~(6) The size of the accessory apartment is not to exceed the lesser of 900 gross square feet or 30% of the gross floor area of the principal unit. The square footage of the accessory apartment must meet the minimum requirements of the state's sanitary code.~~

~~(7) The accessory apartment shall be a self-contained dwelling unit that shares a common vertical and/or horizontal wall with the primary dwelling unit. Within the common vertical and/or horizontal wall shall be a doorway so that the accessory unit may be accessed from the primary unit.~~

~~(8) The principal dwelling unit shall have only one front entrance; any new entrance shall be located on the side or in the rear of the building. Where two or more entrances already exist on the front facade of a dwelling, modifications made to any of the entrances shall result in one entrance appearing to be the principal entrance and other entrances appearing to be secondary. All stairways leading to second or third stories shall be enclosed within the exterior walls of the dwelling.~~

~~(9) The accessory apartment will have no more than two bedrooms.~~

~~(10) Special permit for accessory apartment.~~

~~(a) The special permit for an accessory apartment shall terminate:~~

~~[1] Upon the death of the designated occupant; or~~

~~[2] Upon the change of residence of the designated occupant; or~~

~~[3] Upon the transfer of ownership of the premises.~~

~~(b) Following termination of said special permit, the owner shall remove the kitchen built as a result of the special permit within 90 days.~~

~~(c) The house will then revert to a single family residence. The accessory apartment shall not be held in or transferred into separate ownership from the principal dwelling under a condominium form of ownership, or otherwise.~~

~~(11) An affidavit by the record owner, sworn under penalties of perjury, with proper documentation is required with the application to certify that the accessory apartment living area is for a relative(s). The special permit shall be issued to the owner of the property. The Building Inspector shall have the right, at a reasonable time, to inspect the premises to determine compliance with the requirements of this section and the special permit. Refusal of this inspection may result in the revocation of the special permit.~~

~~(12) In granting a special permit, the Board may impose such conditions, including requirements for off-street parking and limitations on other accessory uses of the premises, as it may deem appropriate to avoid detriment to the neighborhood or to nearby persons or property. The Board shall evaluate each special permit application that involves exterior changes in the appearance and character of the neighborhood and may require that there be no change or minimal change to any building facade oriented toward a public way or visible from a public way.~~

§ 300-56 Commercial mobile radio service transmission facilities.

No changes proposed in this sub-section.

§ 300-57 Congregate housing for elderly and/or permanently disabled residents.

No changes proposed in this sub-section.

§ 300-58 Residential reuse of public buildings.

No changes proposed in this sub-section.

Article X Parking and Loading Requirements

No changes proposed in this section.

Article XI

Signs

No changes proposed in this section.

Article XII Nonconforming Situations

No changes proposed in this section.

Article XIII Board of Appeals

No changes proposed in this section.

Article XIV Administration and Enforcement

No changes proposed in this section.

Article XV Affordable Housing

No changes proposed in this section.

Article XVI Artist Live/Work Requirements

No changes proposed in this section.

Article XVII Sale and Distribution of Recreational Marijuana

No changes proposed in this section.

Article XVIII Solar Energy Systems

No changes proposed in this section.

Article XIX

Smart Growth or Transit Oriented Overlay Districts

No changes proposed in this section.